

01-607-CD
J. J. POWELL, INC. -vs- LAFFERTY TRUCKING COMPANY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

CIVIL ACTION - LAW

J. J. POWELL, INC.,

Plaintiff

vs.

LAFFERTY TRUCKING COMPANY

Defendant

NO. 2001-607-CD

TYPE OF PLEADING: COMPLAINT

FILED ON BEHALF OF:
Plaintiff

COUNSEL OF RECORD FOR
THIS PARTY:

David C. Mason, Esquire
MASON LAW OFFICE
409 North Front Street
P.O. Box 28
Philipsburg, PA 16866
814-342-2240
I.D. No. 39180

FILED

APR 30 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

CIVIL ACTION - LAW

J. J. POWELL, INC.,

Plaintiff

vs.

LAFFERTY TRUCKING COMPANY

Defendant

NO.

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE AN LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641



David C. Mason, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

CIVIL ACTION - LAW

J. J. POWELL, INC.,

Plaintiff

vs.

LAFFERTY TRUCKING COMPANY

Defendant

NO.

COMPLAINT

AND NOW, comes the Plaintiff, **J.J. POWELL, INC.**, by and through its attorney, **DAVID C. MASON, ESQUIRE** and makes the following Complaint against the Defendant, and in support thereof avers as follows:

1. Plaintiff is **J.J. POWELL, INC.**, is a Pennsylvania business corporation located at Presqueisle Street, Borough of Chester Hill, Clearfield County, Pennsylvania, 16866.

2. Defendant **LAFFERTY TRUCKING COMPANY** is a Pennsylvania business corporation with a mailing address of 3709 Beale Avenue, Blair County, Altoona, Pennsylvania, 16601.

3. At all times material and relevant hereto, Plaintiff was involved in the business of selling and distributing wholesale petroleum products and the retail sale of gasoline, diesel fuel and kerosene.

4. On or about May 28, 1999, Defendant signed a request for credit with the said Plaintiff, a photocopy of which is attached hereto as Exhibit "A", and incorporated herein by reference.

5. Pursuant to the terms of the Credit Agreement, payment is due within thirty (30) days following the date of this statement, and a 1.50% finance charge will be applied to any unpaid balance after said thirty (30) day period.

6. Defendant **LAFFERTY TRUCKING COMPANY**, requested that Plaintiff provide it with diesel fuel and other petroleum products in the course of the operation of their business. Plaintiff provided said fuels and products to Defendant.

7. The total amount of said credit account due and owing on March 28, 2001, is \$38,747.16.

8. Defendant's last payment on this account was on March 9, 2001, in the amount of \$1,192.50.

9. Despite Plaintiff's repeated requests for payment, Defendants have failed and refused and continues to fail and refuse to make any payment whatsoever on the above referenced purchase.

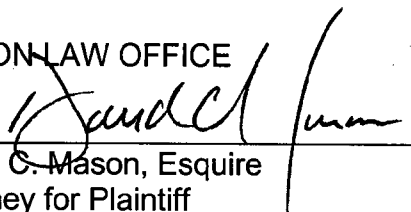
10. The interest on this account pursuant to the Credit Agreement will continue to be added to the principal in the amount of 1.5% per month.

11. In addition, the terms of the credit application permit the Defendant to be charged "reasonable fees of attorney or collection agency for services in collecting balances owned".

12. Plaintiff has retained David C. Mason, Attorney to prosecute this collection action and has agreed to pay \$125.00 per hour.

WHEREFORE, Plaintiff demands that judgment be entered in its favor and against the Defendant, in the amount of \$38,747.16, plus interest at the rate of 18% per annum, plus attorneys fees and costs of suit.

MASON LAW OFFICE



David C. Mason, Esquire
Attorney for Plaintiff

VERIFICATION

I hereby verify that the answers set forth in the foregoing COMPLAINT are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

J. J. POWELL, INC.

By: 

DATED: 4-20-01



P.O. Box 33
Philpaburg, PA
16869
814-342-3180
800-432-0868
814-342-6483 (fax)

225 Boyer St.
Clearfield, PA
16830
814-765-8730

P.O. Box 1
Lewisstown, PA
17044
717-248-3717

jpowell.com

May, 28 1999 08:25AM PZ

PHONE NO. : 814 342 6483

FROM : JF POWELL

Exhibit "A"

Date of Application May 28, 1999
Name of Company Lafferty Trucking Company Business Phone (814) 943-1151
Street Address 3709 Beale Avenue Fax Number (814) 944-7553
City, State, Zip Altoona, PA 16601 Mobile Phone () _____
Type of Business Trucking Co. Years in Business _____ County Blair

Sales Tax Exempt Number 19193 Federal ID # 25-1192790
Check One: ☒ Corporation ☐ Partnership ☐ Sole Proprietorship
☐ Individual ☐ Governmental ☐ LLC ☐ LLP
Credit Amount Requested \$20,000⁰⁰ Initial Order _____

Type of Purchase Control System: ☐ Purchase Order Only ☒ Phone ☐ Contracts
If other, please specify and list names of persons authorized: _____

NAMES OF OFFICERS/OWNERS:

Name ANDREW LAFFERTY Title CEO % of Ownership _____
Address _____ City, State, Zip _____
Social Security # _____ Home Phone _____

Former/Present Affiliated Companies: _____

How Related: _____

Pending Litigation? _____ If yes, Details _____

Ever Filed Bankruptcy? No If yes, Date and State _____

Name _____ Title _____ % of Ownership _____
Address _____ City, State, Zip _____
Social Security # _____ Home Phone _____

Former/Present Affiliated Companies: _____

How Related: _____

Pending Litigation? _____ If yes, Details _____

Credit And Trade References:

VALLEY TIRE 696-7475 696 7490
 NAME ADDRESS ACCT. NO.

BALANCE DUE PHONE/FAX NO. CONTACT PERSON
 TTP 696 9330 696-9330
 NAME ADDRESS ACCT. NO.

BALANCE DUE PHONE/FAX NO. CONTACT PERSON
 CRESSON MOTORS 886 8135 886-8137
 NAME ADDRESS ACCT. NO.

BALANCE DUE PHONE/FAX NO. CONTACT PERSON

Bank: _____ Branch: _____ Ckg Acct # _____
 Contact Person: _____ Phone # _____ Loan # _____

The information contained in this Application is provided for the purpose of obtaining or maintaining credit with you. The undersigned understands that you are relying on the information provided herein in deciding to grant or continue credit. The undersigned represents and warrants that the information provided is true and complete and that you may consider it as continuing to be true and correct until a written notice of a change is given to you by the undersigned. You are authorized to make all inquiries you deem necessary to verify the accuracy of the statements made herein to determine my credit-worthiness. The undersigned hereby agrees that any disputes arising out of this agreement or goods and merchandise ordered or delivered pursuant hereto will be governed and settled under applicable principles of Pennsylvania law, under jurisdiction of Pennsylvania Courts and that venue in any such action shall be in the County of _____.

NOTE: It is understood by signing this application I am acknowledging and accepting that a service charge will be added to past due invoices each month in the amount of 1.5% (annual rate 18.0%). Customer agrees to pay all costs of collection, including Attorneys Fees. Merchandise may not be returned without prior authorization of _____.

By signing this application, I acknowledge that I have read and understand the terms of sale, and agree to abide by them.

Signed: James A. Lafferty LAFFERTY TRUCKING
 Full Company Name

Date Signed: 5-28-99

By: _____

Title: CEO

OFFICE USE ONLY:

Date Received _____
 Approved By _____
 Declined By _____
 Reason _____
 Acct Code DTA# _____

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10954

J.J. POWELL, INC.

01-607-CD

VS.

LAFFERTY TRUCKING COMPANY

COMPLAINT

SHERIFF RETURNS

NOW APRIL 30, 2001, LARRY FIELD, SHERIFF OF BLAIR COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON LAFFERTY TRUCKING COMPANY, DEFENDANT.

NOW MAY 3, 2001 SERVED THE WITHIN COMPLAINT ON LAFFERTY TRUCKING COMPANY, DEFENDANT BY DEPUTIZING THE SHERIFF OF BLAIR COUNTY. THE RETURN OF SHERIFF FIELD IS HERETO ATTACHED AND MADE A PART OF THIS RETURN STATING THAT HE SERVED KATHY FEDESCO, OFFICE MGR.

Return Costs

Cost	Description
27.89	SHFF. HAWKINS PAID BY: ATTY.
29.50	SHFF. FIELD PAID BY: ATTY.
10.00	SURCHARGE PAID BY: ATTY.

FILED

MAY 18 2001
01:23:30 pm
William A. Shaw
Prothonotary

Sworn to Before Me This

18th Day Of May 2001

William A. Shaw
WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2002
Clearfield Co. Clearfield, PA.

So Answers,

Chester A. Hawkins
by *Manly Hays*
Chester A. Hawkins
Sheriff

DATE RECEIVED

DATE PROCESSED

SHERIFF'S DEPARTMENT

BLAIR COUNTY, PENNSYLVANIA
COURTHOUSE, HOLLIDAYSBURG, PA. 16648SHERIFF SERVICE
PROCESS RECEIPT, and AFFIDAVIT OF RETURN

INSTRUCTIONS:

Print legibly, insuring readability of all copies.

Do not detach any copies. BCSD ENV. #

1. PLAINTIFF / S / <i>J.D. Powell Inc</i>		2. COURT NUMBER <i>01-607-CD</i>
3. DEFENDANT / S / <i>Lafferty Trucking</i>		4. TYPE OF WRIT OR COMPLAINT <i>complaint</i>
SERVE AT	5. NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVICE OR DESCRIPTION OF PROPERTY TO BE LEVIED, ATTACHED OR SOLD. <i>Lafferty Trucking</i>	
	6. ADDRESS (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code) <i>3709 Beale Ave. Altoona</i>	
7. INDICATE UNUSUAL SERVICE: <input type="checkbox"/> PERSONAL <input type="checkbox"/> PERSON IN CHARGE <input type="checkbox"/> DEPUTIZE <input type="checkbox"/> CERT. MAIL <input type="checkbox"/> REGISTERED MAIL <input type="checkbox"/> POSTED <input type="checkbox"/> OTHER		

NOW, _____, I, SHERIFF OF BLAIR COUNTY, PA., do hereby deputize the Sheriff of County to execute this Writ and make return thereof according to law. This deputation being made at the request and risk of the plaintiff.

SHERIFF OF BLAIR COUNTY

8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE:

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN — Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

9. SIGNATURE of ATTORNEY or other ORIGINATOR requesting service on behalf of: <i>Mason Law Office</i>	10. TELEPHONE NUMBER	11. DATE
<input type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT		

SPACE BELOW FOR USE OF SHERIFF ONLY — DO NOT WRITE BELOW THIS LINE

12. I acknowledge receipt of the writ or complaint as indicated above.	SIGNATURE of Authorized BCSD Deputy or Clerk and Title <i>Diane L. Wirt</i>	13. Date Received <i>4/30/01</i>	14. Expiration/Hearing date <i>5/30/01</i>
15. I hereby CERTIFY and RETURN that I <input type="checkbox"/> have personally served, <input checked="" type="checkbox"/> have served person in charge, <input type="checkbox"/> have legal evidence of service as shown in "Remarks" (on reverse) <input type="checkbox"/> have posted the above described property with the writ or complaint described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., at the address inserted below by handing/or Posting a TRUE and ATTESTED COPY thereof.			

16. ☐ I hereby certify and return a NOT FOUND because I am unable to locate the individual, company, corporation, etc., named above. (See remarks below)

17. Name and title of individual served <i>Kathy Fedesco (office mgr)</i>	18. A person of suitable age and discretion then residing in the defendant's usual place of abode. <input type="checkbox"/>	Read Order <input type="checkbox"/>
19. Address of where served (complete only if different than shown above) (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code) <i>Same</i>	20. Date of Service <i>5-3-01</i>	21. Time <i>2:00pm</i>

22. ATTEMPTS	Date	Miles	Dep. Int.	Date	Miles	Dep. Int.	Date	Miles	Dep. Int.	Date	Miles	Dep. Int.	Date	Miles	Dep. Int.
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23. Advance Costs <i>\$150.00 Rept 100667</i>	24. <i>SM</i>	25. <i>not</i>	26. <i>200</i>	27. Total Costs <i>29.50</i>	28. COST DUE OR REFUND <i>120.50</i>
--------------------------------------------------	---------------	----------------	----------------	---------------------------------	-----------------------------------------

30. REMARKS

SO ANSWER.

AFFIRMED and subscribed to before me this *8th*

day of

By (Sheriff/Dep. Sheriff) (Please Print or Type)

Date

Signature of Sheriff

Date

Notary Seal
NOTARY PUBLIC
Carol Grieco, Notary Public
Freedom Twp., Blair County
My Commission Expires Feb-3, 2003

SHERIFF OF BLAIR COUNTY

MY COMMISSION EXPIRES

I ACKNOWLEDGE RECEIPT OF AUTHORITY AND TITLE

39. Date Received

SHERIFF'S RETURN OF SERVICE

- () (1) The within _____, the within named
upon _____, defendant by mailing to _____
by _____ mail, return receipt requested, postage
prepaid _____ on the _____,
a true and attested copy thereof at _____

The return receipt signed by _____
defendant on the _____ is hereto attached and
made part of this return.

- () (2) Outside the Commonwealth, pursuant to Pa. R.C.P. 405 (c) (1) (2), by mailing a true and
attested copy thereof at _____

in the following manner.

- () (a) To the defendant by () registered () certified mail, return receipt requested,
postage prepaid, addressee only on the _____,
said receipt being returned NOT signed by defendant, but with a notation by the Postal
Authorities that defendant refused to accept the same. The returned receipt and envelope
is attached hereto and made part of this return.

And thereafter:

- () (b) To the defendant by ordinary mail addressed to defendant at same address. with the
return address of the Sheriff appearing thereon, on the _____

I further certify that after fifteen (15) days from the mailing date, I have not received said
envelope back from the Postal Authorities. A certificate of mailing is hereto attached as a
proof of mailing.

- () (3) By publication in a daily publication of general circulation in the County of **Blair**,
Commonwealth of Pennsylvania, _____ time (s) with publication appearing

The affidavit from said publication is hereto attached.

- () (4) By mailing to _____
by _____ mail, return receipt requested, postage prepaid,
_____ on the _____,
a true and attested copy thereof at _____

The _____ returned by the Postal
Authorities marked _____
is hereto attached.

- () (5) Other _____



Sheriff's Office
Clearfield County

SUITE 116
1 NORTH SECOND STREET - COURTHOUSE
CLEARFIELD, PENNSYLVANIA 16830

CHESTER A. HAWKINS
SHERIFF

OFFICE (814) 765-2641
AFTER 4:00 P.M. (814) 765-1533

CLEARFIELD COUNTY FAX
(814) 765-6089

DARLENE SHULTZ
CHIEF DEPUTY

MARGARET PUTT
OFFICE MANAGER

MARILYN HAMM
DEPT. CLERK

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

J.J. POWELL, INC.

NO. 01-607-CD

VS

ACTION: COMPLAINT

LAFFERTY TRUCKING COMPANY

SERVE BY: 5/30/01

Or

HEARING DATE:

SERVE: LAFFERTY TRUCKING COMPANY

ADDRESS: 3709 Beale Ave., Altoona, Pa. 16601

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF of BLAIR COUNTY Pennsylvania to execute this writ.

This Deputation being made at the request and risk of the Plaintiff this 30th day of APRIL 2001.

Respectfully,

CHESTER A. HAWKINS.
SHERIFF OF CLEARFIELD COUNTY

MAKE REFUND PAYABLE TO: DAVID C. MASON, Attorney

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

J. J. POWELL, INC.,

Plaintiff

vs.

LAFFERTY TRUCKING COMPANY

Defendant

*

*

* No. 01-607-CD

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* TYPE OF CASE: Civil Action

*

* TYPE OF PLEADING: Praecipe for Entry
* of Default Judgment

*

*

*

*

* FILED ON BEHALF OF:
* Plaintiff

*

* COUNSEL OF RECORD FOR THIS
* PARTY:

*

* David C. Mason, Esquire
* Supreme Court I.D. 39180
* Attorney at Law
* P. O. Box 28
* Philipsburg, PA 16866
* (814) 342-2240

C:\Office\POWELL\LaffertyDefaultJudg.wpd\blb

FILED

JUN 11 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

J. J. POWELL, INC.,

Plaintiff

vs.

LAFFERTY TRUCKING COMPANY

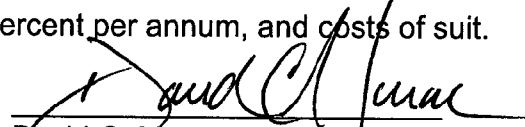
Defendant

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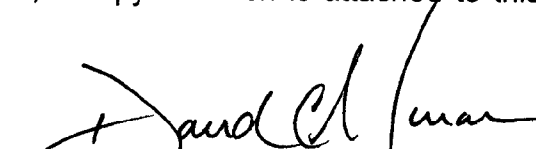
No. 01-607-CD

PRAECIPE FOR ENTRY OF DEFAULT JUDGMENT

Would you kindly enter a Default Judgment in the above captioned matter against the Defendant and in favor of the Plaintiff in the amount of **\$38,747.16**, plus interest since March 28, 2001, at the rate of eighteen (18%) percent per annum, and costs of suit.


David C. Mason, Esq.
Attorney for Plaintiff

I, DAVID C. MASON, Esquire, Attorney for Plaintiff in the captioned matter hereby certify that pursuant to Pa. Rules of Civil Procedure 237.1, I mailed to the Defendant under date of May 24, 2001, the Important Notice required by law. Ten (10) days have now passed since the mailing of this Important Notice, a copy of which is attached to this Praecipe for Entry of Default Judgment.


David C. Mason, Esq.
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

J. J. POWELL, INC.,

Plaintiff

vs.

LAFFERTY TRUCKING COMPANY

Defendant

NO. 01-607-CD

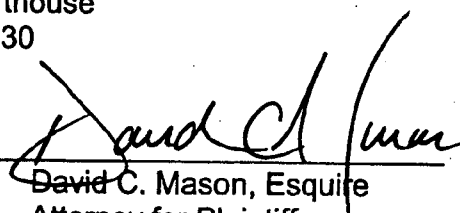
TO: LAFFERTY TRUCKING COMPANY
3709 BEALE AVENUE
ALTOONA, PA 16601

DATE OF NOTICE: May 24, 2001

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES AND OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641


David C. Mason, Esquire
Attorney for Plaintiff
P.O. Box 28
Philipsburg, PA 16866

FILED
JUN 4 1 53 PM '01
Notice to
Def
Atty Mason pd.
20-00
William A. Shaw
Prothonotary
Statement to
Atty

COPY

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

J. J. Powell, Inc.

Vs.

No. 2001-00607-CD

Lafferty Trucking Company

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$38,747.16 on the June 11, 2001.

William A. Shaw
Prothonotary

William A. Shaw

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
STATEMENT OF JUDGMENT

COPY

J. J. Powell, Inc.
Plaintiff(s)

No.: 2001-00607-CD

Real Debt: \$38,747.16

Atty's Comm:

Vs.

Costs: \$

Int. From:

Lafferty Trucking Company
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: June 11, 2001

Expires: June 11, 2006

Certified from the record this 11th day of June, 2001.

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment, Debt,
Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

CIVIL ACTION - LAW

J.J. POWELL, INC.

Plaintiff

vs.

LAFFERTY TRUCKING COMPANY

Defendant

*

NO. 2001-0607-CD

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TYPE OF PLEADING:
**Plaintiff's Interrogatories in Aid of
Execution**

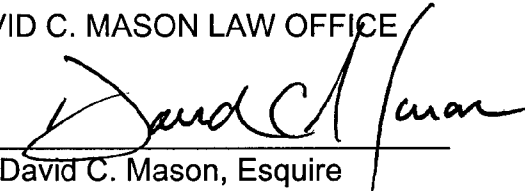
CERTIFICATE OF SERVICE

I, DAVID C. MASON, Esquire, do hereby certify that I served two (2) true and correct copies of PLAINTIFF'S INTERROGATORIES IN AID OF EXECUTION filed to the above captioned action, by placing the same in the United States mail, postage prepaid and addressed as follows:

Lafferty Trucking Company
3709 Beale Avenue
Altoona, PA 16601

DAVID C. MASON LAW OFFICE

By:


David C. Mason, Esquire
Attorney for Defendants

DATED: 7-5-01

FILED

JUL 06 2001

019.07/110

William A. Shaw
Prothonotary

J.J. POWELL, INC.,
Plaintiff,

vs.

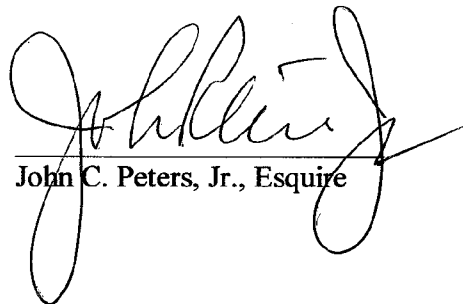
LAFFERTY TRUCKING COMPANY,
Defendant.

: IN THE COURT OF COMMON
: PLEAS OF CLEARFIELD COUNTY,
: PENNSYLVANIA
:
: No. 2001-0607-CD
:
: CIVIL ACTION
:

CERTIFICATE of SERVICE

On this 25 day of July, 2001, I, John C. Peters, Jr., Esquire, hereby
certify that I sent a true and correct copy of the foregoing Entry of Appearance by United
States first class mail, postage prepaid to:

David C. Mason, Esquire
Mason Law Office
409 N. Front Street
P.O. Box 28
Philipsburg, Pa. 16866


John C. Peters, Jr., Esquire

FILED

JUL 27 2001

7:40 pm
William A. Shaw
Prothonotary

rw

cc

ES

J.J. POWELL, INC.,
Plaintiff,

vs.

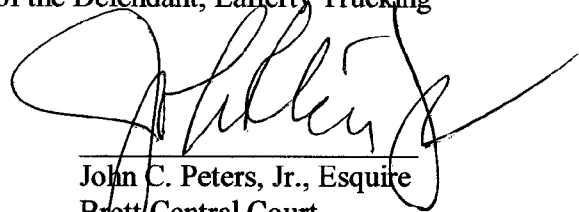
LAFFERTY TRUCKING COMPANY,
Defendant.

: IN THE COURT OF COMMON
: PLEAS OF CLEARFIELD COUNTY,
: PENNSYLVANIA
:
: No. 2001-0607-CD
:
: CIVIL ACTION
:

ENTRY OF APPEARANCE

To the Prothonotary:

Kindly enter my appearance on behalf of the Defendant, Lafferty Trucking Company, in the above action.



John C. Peters, Jr., Esquire
Brett Central Court
1216 Eleventh Avenue
Altoona, Pa. 16601
(814) 941-1116
Pa. ID # 50065

FILED

JUL 27 2001
m 1:40 pm no
William A. Shaw
Prothonotary CC

E
KPI

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

J. J. POWELL, INC.,

Plaintiff

vs.

LAFFERTY TRUCKING COMPANY

Defendant

HOLLIDAYSBURG TRUST COMPANY,

Garnishee

*
* No. 2001-0607-CD
*

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*
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*
*
*

PRAECIPE FOR WRIT OF EXECUTION

TO THE PROTHONOTARY:

Please issue a Writ of Execution in the above matter,

(1) directed to the Sheriff of Blair County;

(2) against Lafferty Trucking Company, Defendant; and

(3) against Hollidaysburg Trust Company, Garnishee

(4) index this writ

(a) against Lafferty Trucking Company, Defendant and

(b) against Hollidaysburg Trust Company, Garnishee,

(c) against any and all personal property of the defendant and any cash or
bank assets.

FILED

25 2001

William A. Shaw
Prothonotary

4) Amount due

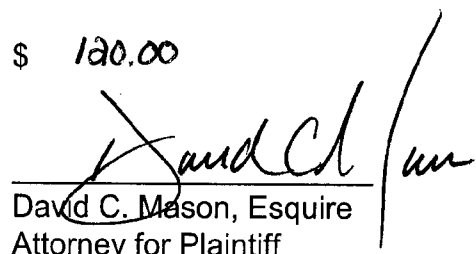
\$ 38,747.16

Interest from March 28, 2001

\$

(Costs to be added)

\$ 120.00



David C. Mason, Esquire
Attorney for Plaintiff

FILED

11/25/2001
019251 Q. H. Mason
William A. Shaw
Prothonotary

PA \$20.00

6. Writs Shwitt

(Ker)

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

J. J. POWELL, INC.,

Plaintiff

vs.

LAFFERTY TRUCKING COMPANY

Defendant

HOLLIDAYSBURG TRUST COMPANY

Garnishee

*
* No. 2001-0607-CD
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WRIT OF EXECUTION

Commonwealth of Pennsylvania)

County of)

To the Sheriff of Clearfield County:

To satisfy the judgment, interest and costs against Lafferty Trucking Company, Defendant,

(I) You are directed to levy upon the property of the Defendant and to sell its interest therein;

Amount due \$ 38,747.16

Interest from March 28, 2001 \$

[Costs to be added] \$ 120.00

Total Due \$



Prothonotary

By: _____
Deputy

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

J. J. POWELL, INC.,

Plaintiff

vs.

LAFFERTY TRUCKING COMPANY

Defendant

HOLLIDAYSBURG TRUST COMPANY

Garnishee

*
* No. 2001-0607-CD
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WRIT OF EXECUTION

NOTICE

This paper is a Writ of Execution. It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay the judgment. You may have legal rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

This law provides that certain property cannot be taken. Such property is said to be exempt. There is a debtor's exemption of \$300.00. There are other exemptions which may be applicable to you. Attached is a summary of some of the major exemptions. You may have other exemptions or other rights.

If you have an exemption, you should do the following promptly: (1) Fill out the attached claim form and demand for a prompt hearing. (2) Deliver the form or mail it to the Sheriff's Office at the address noted.

You should come to court ready to explain your exemption. If you do not come to court and prove your exemption, you may lose some of your property.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

J. J. POWELL, INC.,

Plaintiff

vs.

LAFFERTY TRUCKING COMPANY

Defendant

HOLLIDAYSBURG TRUST COMPANY

Garnishee

*
* No. 2001-0607-CD
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NOTICE OF ISSUANCE

OF

WRIT OF EXECUTION

TO: Hollidaysburg Trust Company
3014 Pleasant Valley Boulevard
Altoona, PA 16603

Kindly take notice that on the 25th day of July, 2001, upon
Praecipe of the Attorney for the Plaintiff above named, the Court of Common Pleas of
Clearfield County issued a Writ or Writs of Execution for satisfaction of the judgment
entered to the above term and number.


Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

COPIES

J. J. POWELL, INC.,

Plaintiff

vs.

LAFFERTY TRUCKING COMPANY

Defendant

HOLLIDAYSBURG TRUST COMPANY

Garnishee

*
* No. 2001-0607-CD
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NOTICE OF ISSUANCE

OF

WRIT OF EXECUTION

TO: Lafferty Trucking Company
3709 Beale Avenue
Altoona, PA 16601

Kindly take notice that on the 25th day of July, 2001, upon
Praecipe of the Attorney for the Plaintiff above named, the Court of Common Pleas of
Clearfield County issued a Writ or Writs of Execution for satisfaction of the judgment
entered to the above term and number.



Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

J. J. POWELL, INC.,

Plaintiff

vs.

LAFFERTY TRUCKING COMPANY

Defendant

HOLLIDAYSBURG TRUST COMPANY

Garnishee

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* No. 2001-0607-CD
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WRIT OF EXECUTION

Commonwealth of Pennsylvania)

County of)

To the Sheriff of Clearfield County:

To satisfy the judgment, interest and costs against Lafferty Trucking Company, Defendant,

(I) You are directed to levy upon the property of the Defendant and to sell its interest therein;

Amount due \$ 38,747.16

Interest from March 28, 2001 \$

[Costs to be added] \$ 120.00

Total Due \$

RECEIVED

JUL 25 2001

9:50 AM

Chester A. Hopkins
by Margaret W. Pitt



Prothonotary

By: _____
Deputy

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11297

JJ POWELL, INC. 01-607-CD

01-607-CD

VS.

LAFFERTY TRUCKING COMPANY 01-607-CD

WRIT OF EXECUTION INTERROGATORIES TO GARNISHEE

SHERIFF RETURNS

NOW, JULY 25, 2001, SHERIFF LARRY D. FIELD, JR. OF BLAIR COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY, TO SERVE THE WITHIN WRIT OF EXECUTION AND INTERROGATORIES TO GARNISHEE ON HOLLIDAYSBURG TRUST COMPANY, GARNISHEE.

NOW, AUGUST 2, 2001, SERVED THE WITHIN WRIT OF EXECUTION AND INTERROGATORIES TO GARNISHEE ON HOLLIDAYSBURG TRUST COMPANY, GARNISHEE, BY DEPUTIZING THE SHERIFF OF BLAIR COUNTY. THE RETURN OF SHERIFF FIELD IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

NOW, AUGUST 15, 2001, RETURN WRIT AS BEING SERVED. PAID COSTS FROM ADVANCE AND MADE REFUND OF UNUSED ADVANCE TO THE ATTORNEY.

SHERIFF HAWKINS \$27.68
SURCHARGE \$10.00
PAID BY ATTORNEY

FILED
012:38:64
AUG 15 2001
William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11297

JJ POWELL, INC. 01-607-CD

01-607-CD

VS.

LAFFERTY TRUCKING COMPANY 01-607-CD

WRIT OF EXECUTION INTERROGATORIES TO GARNISHEE

SHERIFF RETURNS

Sworn to Before Me This

15th Day Of August 2001

William A. Shaw

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2002
Clearfield Co. Clearfield, PA.

So Answers,

Chester A. Hawkins
by Margaret W. Pratt

Chester A. Hawkins

Sheriff



Sheriff's Office
Clearfield County

CLEARFIELD COUNTY, PA
(814)765-5915

CHESTER A. HAWKINS
SHERIFF

SUITE 116
1 NORTH SECOND STREET - COURTHOUSE
CLEARFIELD, PENNSYLVANIA 16830

DARLENE SHULTZ
CHIEF DEPUTY

MARGARET PUTT
OFFICE MANAGER

MARILYN HAMM
DEPT CLERK

PETER F SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

J.J. POWELL, INC.

NO. 2001-0607-CD

VS

ACTION: WRIT OF EXECUTION AND
INTERROGATORIES TO GARNISHEE

LAFFERTY TRUCKING COMPANY
Defendant

HOLLIDAYSBURG TRUST COMPANY
Garnishee

SERVE BY: ASAP

OR

~~HEARING DATE~~

SERVE: HOLLIDAYSBURG TRUST COMPANY

ADDRESS: 3014 PLEASANT VALLEY BOULEVARD
ALTOONA, PA 16603

Know all men by these presents, that I, CHESTER A. HAWKINS,
HIGH SHERIFF of CLEARFIELD COUNTY, State of Pennsylvania, do hereby
deputize the SHERIFF of BLAIR County to execute this writ.

This deputation being made at the request and risk of the plaintiff
this 25th day of JULY 2001.

COPY

Respectfully,
Chester A. Hawkins
by *Margaret H. Putt*
CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY

MAKE REFUND PAYABLE TO: DAVID C. MASON, ATTORNEY

DATE RECEIVED

DATE PROCESSED

SHERIFF'S DEPARTMENT

BLAIR COUNTY, PENNSYLVANIA
COURTHOUSE, HOLLIDAYSBURG, PA. 16648SHERIFF SERVICE
PROCESS RECEIPT, and AFFIDAVIT OF RETURN

INSTRUCTIONS:

Print legibly, insuring readability of all copies.

Do not detach any copies. BCSD ENV. #

1. PLAINTIFF / S /

J. J. Powell Inc.

2. COURT NUMBER

60116-T 2001-0007CO

3. DEFENDANT / S /

Cafferty Trucking Co.

4. TYPE OF WRIT OR COMPLAINT

Writ of Execution

SERVE



AT

5. NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVICE OR DESCRIPTION OF PROPERTY TO BE LEVIED, ATTACHED OR SOLD.

Hollidaysburg Trust Co.

6. ADDRESS (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code)

3014 Pleasant Valley Blvd. Altoona Pa 16603

7. INDICATE UNUSUAL SERVICE:

☒ PERSONAL ☒ PERSON IN CHARGE ☐ DEPUTIZE ☐ CERT. MAIL ☐ REGISTERED MAIL ☐ POSTED ☐ OTHERNOW, I, SHERIFF OF BLAIR COUNTY, PA., do hereby deputize the Sheriff of
County to execute this Writ and make return thereof according
to law. This deputation being made at the request and risk of the plaintiff.

SHERIFF OF BLAIR COUNTY

8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE:

Just Serve Interrogatories

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN — Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriffs' sale thereof.

9. SIGNATURE of ATTORNEY or other ORIGINATOR requesting service on behalf of:

Deputized by Clearfield Co. to Mason ☐ PLAINTIFF ☐ DEFENDANT

10. TELEPHONE NUMBER

814-765-5915

11. DATE

SPACE BELOW FOR USE OF SHERIFF ONLY — DO NOT WRITE BELOW THIS LINE

12. I acknowledge receipt of the writ or complaint as indicated above.

SIGNATURE of Authorized BCSD Deputy or Clerk and Title

Bonnie Schreiber

13. Date Received

7-31-01

14. Expiration/Hearing date

8-24-01

15. I hereby CERTIFY and RETURN that I ☐ have personally served, ☒ have served person in charge, ☐ have legal evidence of service as shown in "Remarks" (on reverse) ☐ have posted the above described property with the writ or complaint described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., at the address inserted below by hand ing/or Posting a TRUE and ATTESTED COPY thereof.16. ☐ I hereby certify and return a NOT FOUND because I am unable to locate the individual, company, corporation, etc., named above. (See remarks below)

17. Name and title of individual served

Sandy Billotte, Customer S.S.

18. A person of suitable age and discretion then residing in the defendant's usual place of abode. ☐Read Order ☐

19. Address of where served (complete only if different than shown above) (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code)

Sme

20. Date of Service

8-2-01

21. Time

0930

22. ATTEMPTS	Date	Miles	Dep. Int.	Date	Miles	Dep. Int.	Date	Miles	Dep. Int.	Date	Miles	Dep. Int.	Date	Miles	Dep. Int.

23. Advance Costs

150.00 Rec # 1376

24.

Stff 32.50 NOT 2.00

25.

26. Total Costs

34.50

27. COST DUE OR REFUND

115.50 cl # 1635

30. REMARKS

AFFIRMED and subscribed to before me this

8th

SO ANSWER.

day of

August, 2001

By (Sheriff/Dep. Sheriff) (Please Print or Type)

mhw/BN

Date

8/2/01

Signature of Sheriff

Date

SHERIFF OF BLAIR COUNTY

MY COMMISSION EXPIRES

I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE OF AUTHORIZED ISSUING AUTHORITY AND TITLE.

39. Date Received

SHERIFF'S RETURN OF SERVICE

- () (1) The within _____
upon _____, the within named
defendant by mailing to _____
by _____ mail, return receipt requested, postage
prepaid _____ on the _____,
a true and attested copy thereof at _____

The return receipt signed by _____
defendant on the _____ is hereto attached and
made part of this return.

- () (2) Outside the Commonwealth, pursuant to Pa. R.C.P. 405 (c) ; (1) (2), by mailing a true and
attested copy thereof at _____
_____ in the following manner.

- () (a) To the defendant by () registered () certified mail, return receipt requested,
postage prepaid, addressee only on the _____,
said receipt being returned NOT signed by defendant, but with a notation by the Postal
Authorities that defendant refused to accept the same. The returned receipt and envelope
is attached hereto and made part of this return.

And thereafter:

- () (b) To the defendant by ordinary mail addressed to defendant at same address, with the
return address of the Sheriff appearing thereon, on the _____

I further certify that after fifteen (15) days from the mailing date, I have not received said
envelope back from the Postal Authorities. A certificate of mailing is hereto attached as a
proof of mailing.

- () (3) By publication in a daily publication of general circulation in the County of **Blair** ,
Commonwealth of Pennsylvania, _____ time (s) with publication appearing

The affidavit from said publication is hereto attached.

- () (4) By mailing to _____
by _____ mail, return receipt requested, postage prepaid,
_____ on the _____
a true and attested copy thereof at _____

The _____ returned by the Postal
Authorities marked _____
is hereto attached.

- () (5) Other _____

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA

WRIT OF EXECUTION

2001-067CD

J J Powell Inc

vs

Lafferty Trucking Co

SHERIFF'S RETURN

Now, August 2, ~~2000~~ ²⁰⁰¹, at 9:30 am, Served the within
Garnishee upon the named defendant Hollidaysburg Trust Co
by reading and handing one true and attested copy thereof personally to
Sandy Billotte, Customer S. S. at
3014 Pleasant Valley Blvd. Altoona, PA and, at the
same time made known to her the contents thereof.

So Answers,



Larry D. Field
Sheriff of Blair County

RECEIPT FOR DISTRIBUTION OF ADVANCE PAYMENTS HELD In ESCROW

Blair County Pennsylvania
Blair County Courthouse
423 Allegheny Street

Receipt Date 08/08/2001
Receipt Time 10:59:54
Receipt No. 101430

JJ POWELL, INC (VS) LAFFERTY TRUCKING

Case Number 2001-60116 T
Service Info 001 First Service 8/08/2001 Open
Remarks Escrow Transfer Out

Advance Payment Balance	150.00	MASON LAW OFFICE
Total Amount Distributed	150.00	409 N FRONT ST
		PO BOX 28
Balance RemaInIng	.00	PHILIPSBURG PA 16866

----- Distribution -----

Transaction Description	Amount	Payee
A-REFUND ADV COST	115.50	MASON LAW OFFICE
NOTARY FEES	2.00	NOTARY (CG)
SHERIFF FEES	32.50	COUNTY OF BLAIR
Total Amount Distributed	150.00	

RECEIPT FOR PAYMENT

Blair County Pennsylvania
Blair County Courthouse
423 Allegheny Street

Receipt Date 07/31/2001
Receipt Time 09:57:29
Receipt No. 101376

JJ POWELL, INC (VS) LAFFERTY TRUCKING

Case Number 2001-60116 T
Service Info 001 7/31/2001 Open
Remarks SERVING INTERROGATORIES
HOLLIDAYSBURG TRUST COMPANY

Total Check... +	150.00	Check No. 11914
Total Cash.... +	.00	
Cash Out..... -	.00	
<hr/>		
Receipt total. =	150.00	

----- Distribution Of Payment -----		
Transaction Description	Payment Amount	
ADVANCE PAYMENT	150.00	MASON LAW OFFICE
	<hr/>	
	150.00	

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA .

CIVIL ACTION - LAW

J. J. POWELL, INC.,

Plaintiff

vs.

LAFFERTY TRUCKING COMPANY

Defendant

HOLLIDAYSBURG TRUST COMPANY

Garnishee

*
* No. 2001-0607-CD
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ANSWERS TO

* Type of Pleading: Plaintiff's
* Interrogatories in Attachment to
* Garnishee
*

*

* Filed on Behalf of:
* Plaintiff
*

*

* Counsel of Record for Plaintiff:

* David C. Mason, Esq.
* MASON LAW OFFICE
* P. O. Box 28
* Philipsburg, PA 16866
* (814) 342-2240
*

*

FILED

AUG 23 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

J. J. POWELL, INC.,

Plaintiff

vs.

LAFFERTY TRUCKING COMPANY

Defendant

HOLLIDAYSBURG TRUST COMPANY

Garnishee

*
* No. 2001-0607-CD
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**TO: Hollidaysburg Trust Company
3014 Pleasant Valley Boulevard
Altoona, PA 16603
Garnishee**

**ANSWERS TO
INTERROGATORIES DIRECTED TO GARNISHEE**

NOTICE

PURSUANT TO PA. RULES OF CIVIL PROCEDURE NO. 3253, YOU ARE REQUIRED TO FILE ANSWERS TO THE FOLLOWING INTERROGATORIES WITHIN TWENTY (20) DAYS AFTER SERVICE UPON YOU. FAILURE TO DO SO MAY RESULT IN JUDGMENT AGAINST YOU.

1. At the time you were served or at any subsequent time did you owe the Defendant any money or were you liable to him on any negotiable or other written instrument or did he claim that you owed him any money or were liable to him for any reason? NO

2. At the time you were served or at any subsequent time was there in your possession, custody or control or in the joint possession, custody or control of yourself and one or more other persons any property of any nature owned solely or in part by the Defendant? Yes, three checking accounts.

#323993, balance \$16,962.60

#332734, balance \$757.15

#334596, balance \$1,668.29

3. At the time you were served or at any subsequent time did you hold legal title to any property of any nature owned solely or in part by the Defendant or in which the Defendant held or claimed any interest? NO


4. At the time you were served or at any subsequent time did you hold as fiduciary any property in which the Defendant had an interest? NO

5. At any time before or after you were served did the Defendant transfer or deliver any property to you or to any person or place pursuant to your direction or consent and if so what was the consideration therefor? NO

6. At any time after you were served did you pay, transfer or deliver any money or property to the Defendant or to any person or place pursuant to his direction or otherwise discharge any claim of the Defendant against you? NO

MASON LAW OFFICE

DATED: July 25, 2001

By: 
David C. Mason, Attorney for
Plaintiff

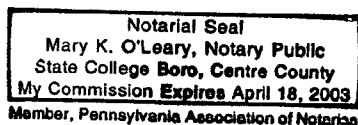
STATE OF PENNSYLVANIA)
) SS:
COUNTY OF CENTRE)

REBECCA S. DASHEM, being duly sworn according to law, deposes and says that she is Customer Service Supervisor of Hollidaysburg Trust Company, the foregoing corporation; that she makes this affidavit on its behalf being authorized to do so; and that the facts set forth in the foregoing Answers to Interrogatories are true and correct to the best of her knowledge, information and belief.

Rebecca S. Dashem
Rebecca S. Dashem

Sworn to and subscribed
before me this 22nd day
of August, 2001.

Mary K O'Leary



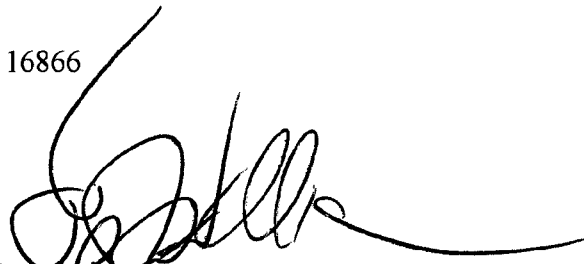
CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2001, Terry J. Williams, Esq., Attorney for Garnishee Hollidaysburg Trust Company, served a copy of the foregoing Answers to Interrogatories by certified mail, return receipt requested, addressed as follows:

Lafferty Trucking Company
3709 Beale Avenue
Altoona, PA 16601-1317

and by regular mail addressed as follows:

David C. Mason, Esquire
Attorney for Plaintiff
Mason Law Office
P.O. Box 28
Philipsburg, PA 16866

A handwritten signature in black ink, appearing to read 'Terry J. Williams', is written over a horizontal line.

Terry J. Williams, Esquire
Miller, Kistler, Campbell, Miller,
Williams & Benson, Inc.
720 S. Atherton Street, Suite 201
State College, PA 16801
(814) 234-1500

FILE

AUG 23 2001

William A. Prothro